

OCT 23 2006

REMARKS

Claim amendments. Claim 9 has been amended to correct its dependency. Claim 18 has been amended to correct a grammatical error.

Office action summary. The Examiner has issued an election of species seemingly requiring the applicants to make a choice of one subspecies from each of seven groups of subspecies listed by the Examiner. Applicants traverse the requirement for the reasons set forth below.

Reasons for traversing election of species requirement. First, the requirement for election of species is unclear. The requirement states that "Applicant is required to elect one subspecies within each group listed below." Thus, it would seem that a response would only require election of one subspecies recited by the Examiner from each of the seven groups which the Examiner has listed. However, for group 2, it appears that election of a claim is also being requested, notwithstanding the statement quoted above, since the requirement states "if claim 11 is elected." In light of this, applicants are interpreting the requirement to mean that a choice must be made between claims 11, 12, and 13.

A further lack of clarity in the Examiner's subspecies breakdown is that some of the recited subspecies refer to items which only dependent claims require, such as an "electromagnetic control signal" (found in claim 9), the "source of alternating current" (found in claim 30), and the "indicator" (found in claim 38). It is not clear whether the choice of a subspecies reciting characteristics of an item requires that the elected species meet the limitations of the claim in which the item is first recited. For example, it is not clear whether the indicator recited in subspecies 7a-7b must meet the limitations recited in claim 38 as a result of electing one of those two subspecies. In determining which claims read on the elected species, we have assumed that the limitations of the claims in which the items recited in the Examiner's subspecies first appear are limitations on the elected species.

Second, the election of species requirement is inappropriate because some of the Examiner's choices do not subdivide the invention into disjoint species. For example, the Examiner requests a choice between the remote control unit being handheld (subspecies 3a) or sound activated (subspecies 3b), but a remote control unit could be both handheld and sound activated. Similarly, the Examiner requests a choice between a backup battery for powering the

valve when the source of alternating electrical current is inoperative (subspecies 6a) and a system wherein the valve is manually operative when the source of alternating electrical current is inoperative (subspecies 6b). However, there could be a backup battery and also manual operability as a double safety precaution in case the backup battery fails. Similarly, subspecies 7a and 7b are not really distinct, because there could be a gas regulation system with an indicator in both the remote control unit and a monitoring station, in which case both claims 39 and 40 would read on the system.

Third, the Examiner's requirement appears to restrict the elected species to only a portion of the scope claimed by the applicants' broadest claims. For example, by requiring a choice between subspecies 7a-7b, the Examiner appears to be excluding embodiments of the claimed invention which do not possess the "indicator" recited in those subspecies.

For all of these reasons, it is respectfully requested that the election of species requirement be withdrawn.

Applicants' provisional election of species. Applicants elect as follows:

- a) Group 1: subspecies 1b
- b) Group 2: claim 12 (or, alternatively, subspecies 2e if no election between claims was intended to be required).
- c) Group 3: subspecies 3a
- d) Group 4: subspecies 4a
- e) Group 5: subspecies 5b
- f) Group 6: subspecies 6a.
- g) Group 7: subspecies 7a

The ultimate species thus elected is a class of gas regulation systems that has the remote control unit detached from the valve, a digital control signal, a handheld remote control, a digital display, a remote control unit effective up to 120 feet, a backup battery, and an indicator in the remote control unit. Members of this species must also meet the limitations of claim 1.

Claims 1, 8, 9, 12, 16, 20, 21, 23, 24, 30, 31, 38, and 39 are believed to read on this species in the sense that every member of the species falls within the scope of those claims. This conclusion is dependent on the assumption indicated above, that where one of the Examiner's

recited subspecies refers to an item found only in a dependent claim, for example the "indicator" of claim 38, then the members of the elected species must meet the limitations of that claim.

All claims reading on the elected species are believed to be generic in the sense that they are broader than the species. For example, claim 12 is broader than the elected species because it reads, e.g., both on systems having a handheld remote control unit and systems not having a handheld remote control unit, but only the former fall within the elected species.

A number of other claims overlap substantially in scope with the elected species, in that there will be gas regulation systems that fall within the scope of the elected species which are read on by those other claims. An example of these is claims 2-6.

Applicants remind the Examiner that this election of species is only for the purposes of initial examination. MPEP § 809. If any linking (generic) claim is found free of prior art, then other species are required to be searched.

Conclusion. If the Examiner has any questions about this response, he is respectfully requested to contact the undersigned at (650) 251-7712 (direct dial).

Respectfully submitted,

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